

HOUSE BILL No. 1187

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-17-13-3; IC 33-37; IC 35-43-5-22.

Synopsis: Stolen valor. Provides that a person who knowingly or intentionally, with the intent to obtain money, property, or another benefit: (1) fraudulently represents himself or herself to be an active member or veteran of the armed forces of the United States; (2) uses falsified military identification; or (3) fraudulently claims to be the recipient of certain military honors; commits stolen valor, a Level 6 felony. Requires fees collected for the crime of stolen valor to be deposited in the veterans' affairs trust fund.

Effective: July 1, 2016.

Moseley

January 7, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1187

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-17-13-3, AS AMENDED BY P.L.50-2009,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 3. (a) The veterans' affairs trust fund is established
4 to provide a self-sustaining funding source for the military family relief
5 fund established by IC 10-17-12-8.

6 (b) The fund consists of the following:

- 7 (1) Appropriations by the general assembly.
8 (2) Donations, gifts, grants, and bequests to the fund.
9 (3) Interest and dividends on assets of the funds.
10 (4) Money transferred to the fund from other funds.
11 (5) Money from any other source deposited in the fund.

12 **(6) Fees collected for violations of IC 35-43-5-22.**

13 SECTION 2. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),
14 SECTION 392, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) For each action that results in
16 a felony conviction under IC 35-50-2 or a misdemeanor conviction
17 under IC 35-50-3, the clerk shall collect from the defendant a criminal



costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program ~~user~~ fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(7) A child abuse prevention fee (IC 33-37-5-12).

(8) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(9) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).

(10) A deferred prosecution fee (IC 33-37-5-17).

(11) A document storage fee (IC 33-37-5-20).

(12) An automated record keeping fee (IC 33-37-5-21).

(13) A late payment fee (IC 33-37-5-22).

(14) A sexual assault victims assistance fee (IC 33-37-5-23).

(15) A stolen valor fee (IC 33-37-5-23.5).

~~(15)~~ **(16)** A public defense administration fee (IC 33-37-5-21.2).

~~(16)~~ **(17)** A judicial insurance adjustment fee (IC 33-37-5-25).

~~(17)~~ **(18)** A judicial salaries fee (IC 33-37-5-26).

~~(18)~~ **(19)** A court administration fee (IC 33-37-5-27).

~~(19)~~ **(20)** A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50); and

(2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

(1) The pretrial diversion fee.



(2) The marijuana eradication program fee.

(3) The alcohol and drug services program user fee.

(4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) The clerk shall apply the partial payment to general court costs.

(2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.

(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 3. IC 33-37-5-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23.5. (a) This section applies to criminal actions.**

(b) The court may assess a stolen valor fee of two hundred dollars (\$200) against an individual convicted in Indiana of the crime of stolen valor under IC 35-43-5-22.

(c) A fee collected for a violation of IC 35-43-5-22 shall be transferred to the veterans' affairs trust fund under IC 10-17-13-3.

SECTION 4. IC 35-43-5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 22. A person who, with the intent to obtain money, property, or another benefit, knowingly or intentionally:**

(1) fraudulently represents himself or herself to be an active member or veteran of:

(A) the United States Air Force;

(B) the United States Army;

(C) the United States Coast Guard;



1 (D) the United States Marines;
2 (E) the United States National Guard;
3 (F) the United States Navy; or
4 (G) a reserve component of the armed forces of the United
5 States;
6 (2) uses a falsified military identification; or
7 (3) fraudulently represents himself or herself to be a recipient
8 of the:
9 (A) Congressional Medal of Honor;
10 (B) Distinguished Service Cross;
11 (C) Navy Cross;
12 (D) Air Force Cross;
13 (E) Silver Star;
14 (F) Purple Heart;
15 (G) Combat Infantryman Badge;
16 (H) Combat Action Badge;
17 (I) Combat Medical Badge;
18 (J) Combat Action Ribbon; or
19 (K) Air Force Combat Action Medal;
20 commits stolen valor, a Level 6 felony.

